

212 EAST 39TH STREET
NEW YORK, NEW YORK 10016
PHONE 212 889 3700
FAX 212 684 5191
www.abbeyspanier.com

NANCY KABOOLIAN

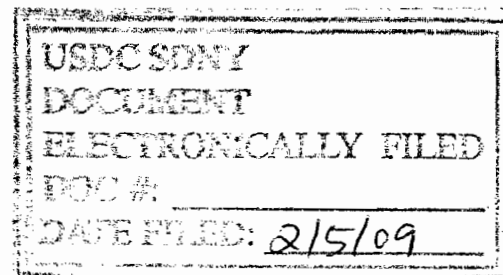
nkaboolian@abbeyspanier.com

FEB - 3 2009

February 2, 2009

By Hand Delivery

The Honorable Deborah A. Batts
United States District Court
Daniel Patrick Moynihan United States Courthouse
Room 2510
500 Pearl Street
New York, NY 10007-1312



Re: New York Law School v. Ascot Partners, L.P., J. Ezra Merkin
and BDO Seidman LLP, No. 08-Civ-10922

Dear Judge Batts:

MEMO ENDORSED

We represent plaintiff New York Law School ("NYLS") in the action New York Law School v. Ascot Partners, L.P. et al., No. 08-Civ-10922 (S.D.N.Y.). We respectfully wish to inform the Court that we intend to file, on Monday, February 16, 2009, a motion for appointment of lead plaintiff.

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We are aware of the Court's Individual Practice Rule II(B)(1) requiring that a pre-motion conference be held prior to filing certain motions. As Your Honor is aware, however, the Exchange Act Section 21D requires that motions for appointment of lead plaintiff be filed no later than 60 days after the date notice of the action was first published. 15 U.S.C. §78u-4(a)(3). Notice of the action was first published pursuant to Section 21D on December 16, 2008. Accordingly, motions for appointment of lead plaintiff must be filed by February 16, 2009.

Due to the time limits mandated by Section 21D of the Exchange Act, NYLS seeks leave to file its lead plaintiff motion without a pre-motion conference pursuant to the Court's Individual Practice Rule II(B)(1). We respectfully submit that, under these circumstances where we do not know the identities of the other movants, if any, and where the filing of a motion is statutorily mandated by Section 21D of the Exchange Act, the requirement of a pre-motion conference should be waived.

granted
DAB
2/5/09

MEMO ENDORSED

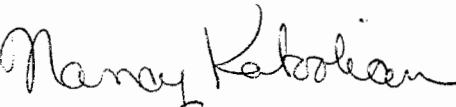
SO ORDERED

Deborah A. Batts
DEBORAH A. BATTS 2/5/09
UNITED STATES DISTRICT JUDGE

Judge Deborah A. Batts
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We are available to communicate with the Court at your pleasure to discuss these matters.

Respectfully,


Nancy Kaboolian

cc: via email:

SCHULTE ROTH & ZABEL, LLP

Eric A. Bensky, Esq.

eric.bensky@srz.com

Attorneys for Defendant Ascot Partners, L.P.

DECHERT LLP

Neil A. Steiner, Esq.

neil.steiner@dechert.com

Attorneys for Defendant J. Ezra Merkin

EDWARDS ANGELL PALMER & DODGE, LLP

Ira G. Greenberg, Esq.

igreenberg@eapdlaw.com

Robert Novack, Esq.

rnovack@eapdlaw.com

Charles W. Stotter, Esq.

cstotter@eapdlaw.com

Attorneys for Defendant BDO Seidman, LLP